

REMARKS

Claims 4-9, 12-14 and 16-17 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

Claims 4-5, 9 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of Japanese patent document JP 10200493 to Iwasaki, et al. ("Iwasaki") in view of U.S. patent number 6,625,548 to Pihl, et al. ("Pihl") and German patent number DE 4424380 to Luegering ("Luegering").

Reconsideration of these rejections of claims 4-9, 12-14 and 16-17 is respectfully requested. Claims 4-6, 8, 9, 12-14 and 16-17 each include limitations nowhere shown, described or suggested by the cited prior art references. The cited combination of references fails to render obvious the claimed inventions.

It is respectfully submitted that the claimed invention includes limitations nowhere shown in the cited references. The mobile communication station in accordance with claims 4-9, 12-14 and 16-17 sends to a delivery management server ("information management server") a request which includes information about a destination for content ("second information"). The destination is the location at which a user wishes to receive the content, the "information receiving terminal" as recited by claim 1, for example. This destination may be a device such as a set-top box.

An exemplary embodiment is shown in FIG. 1 of the application which shows a mobile station 10 corresponding to the recited mobile communication terminal and a set top box (STB) 40 corresponding to an information receiving terminal." Operation of the illustrated embodiment is described in one example in conjunction with FIG. 14 step Sc1 in which a delivery management server receives a request from a mobile station, the request including an address of the destination to which the information is to be delivered. Page 29, starting at line 5 of the present application. At step Sc5 and as described at page 31, lines 3-8, the delivery management server receives confirmation of delivery of the information to the mobile station or the STB. Thus, the user of the mobile station specifies a delivery destination of the information which is different from the mobile station itself.

These features are missing from the cited references. The office action acknowledges that “Iwasaki et al. fails to disclose delivering information in response to an information delivering request to the information delivery device.” The office action relies on Pihl for the missing teaching. According to the office action, “Pihl discloses a message delivery system in which information is delivered to a destination in response to an information delivering request to an information delivery service,” citing col. 5, lines 27-45 of Pihl.

Pihl actually relates to a network-assisted mobile terminal GPS system (Abstract). The cited portion of Pihl refers to a method for obtaining GPS assistance data from a network. A mobile station (10) submits a request for such data to the network (32). The mobile switching center (MSC 33) requests a serving mobile location center (SMLC 34) to deliver the requested data to the mobile station 10 (column 5, lines 31-41).

Among other shortcomings, Pihl taken in conjunction with Iwasaki thus fails to disclose the recited “information receiving terminal,” which is a separate destination for the information delivered from the information delivery service. Claim 1, for example, recites both a mobile communication terminal (such as the mobile station 10 of Pihl) and the information receiving terminal (missing from Iwasaki and Pihl). Since the references, along or in combination, fail to disclose all the limitations of the claimed invention, the rejection may not be maintained.

Limitations of the other independent claims are missing from the cited references as well. Independent claim 12 recites “means for specifying, in the information delivering request to said information delivery device, either said mobile communication terminal or another information receiving terminal capable of receiving said first information and said second information....” Independent claim 16 recites “a step in which an information delivery device receives a delivery request information, ... including specifying information which specifies a terminal to which information is to be delivered....” Claim 17 recites “a step in which an information delivery device receives a delivery request information, said delivery request information ...including specifying information which specifies a terminal to which information is to be delivered.” Since the cited references fail to disclose each and every limitation of independent claims 1, 12, 16 and 17, the rejection under 35 U.S.C. § 103 may not be maintained.

Moreover, a rejection under 35 U.S.C. § 103 is only proper where there is some motivation to modify or combine the references in the manner proposed in the office action.

Here, such motivation is missing. The system of Iwasaki permits only delivery of music or other information to a requesting PHS terminal PS1. Iwasaki does not relate to obtaining mobile terminal position information by the mobile terminal, which is the subject of Pihl. Similarly, Pihl bears no relation to a system for providing entertainment information to a mobile station. It appears that the office action has used impermissible hindsight to stitch together bits and pieces of the cited references to try to show all the limitations of the presently claimed invention, which is not possible. None of the references, taken alone or in combination, show, describe or suggest that a mobile station may request information and specify a different destination for that information. Such an innovation is unique to the present application.

Accordingly, withdrawal of the rejection of claims 4-5, 9 and 16-17 and allowance of the application is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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